



IN THE SPOTLIGHT

State Board Action on No Child Left Behind

On January 8, 2003 the State Board of Education (SBE) took action on a series of items to incorporate the Adequate Yearly Progress (AYP) provisions of the No Child Left Behind (NCLB) Act into the current statewide accountability system. The following summary assumes a certain familiarity with the Title I AYP provisions of NCLB. Additional information is available through the U.S. Department of Education (USDE) Web site at <http://www.ed.gov/offices/OESE/asst.html>.

The USDE will determine whether all of the specific features of California's definition of AYP comply with the requirements of NCLB. CDE anticipates that the federal government will approve the approach taken by the SBE.

Definition of Adequate Yearly Progress

The SBE adopted a definition of AYP that would conform strictly to the new NCLB requirements. The "percent proficient" metric will be used, the starting points and annual targets will be established as prescribed by law, and results will be reported separately for English-language arts and mathematics.

CDE will establish annual growth targets sufficient to meet the performance goal in the NCLB Act. All schools and local education agencies (LEAs) must have 100 percent of their students at or above the proficient level in English-language arts and mathematics by the 2013-2014 school year. These targets apply not only to schools and LEAs but also to numerically significant subgroups. All LEAs and schools will be subject to an AYP determination, even if they do not receive Title I assistance.

The Academic Performance Index (API) will continue to be calculated and reported without modification. Annual API growth targets still will be calculated as five percent of the distance to the performance goal of 800. The API will function as an additional academic indicator under the provisions of NCLB.

California High School Exit Exam (CAHSEE)

NCLB requires that at the high school level assessment tests cover the essential knowledge and skills that students are expected to demonstrate, irrespective of grade level or courses completed. The SBE has adopted the CAHSEE as the core knowledge test for grades 10-12. Results from the annual Grade 10 administration of this exam will be used to determine AYP under NCLB for all high schools.

Accountability for small schools or schools without assessment results

The assessment scores of small schools that have too few students to generate a school-level report will be aggregated into a district accountability measure, which is required under NCLB. CDE will provide technical assistance to LEAs about how to determine AYP for these schools.

Alternative Schools Accountability Model (ASAM)

ASAM schools will be treated in the same manner as all other public schools, even if their purpose is to serve students less than a full academic year. The same measure of “percent proficient or above” will be used to determine AYP. APIs will be calculated for ASAM schools, unless they have too few students to generate a school-level report. Test results for all ASAM schools will be aggregated into the results for the appropriate LEA and into the state-level AYP report.

Mobility exclusion

NCLB has specific mobility rules that dictate where students should be counted for accountability. If a student has been continuously enrolled in a school for a full year, the student should be counted at the school. If the student has attended more than one school within a district but has been enrolled in the district for a full year, the student should be counted at the district. And finally, all students, even those who are not continuously enrolled in a district for a full year, should be counted at the state level. The current state mobility definition for the API will be changed to conform to the new NCLB requirements. This change could be implemented with the 2003 Base API.

Addition of two new subgroups

NCLB requires AYP determinations for two student subgroups beyond those already specified in state law – students with disabilities and English learners. These two subgroups also will be added to the API system.

Graduation rates

NCLB requires that the state use the graduation rate as an additional high school indicator. Since California currently does not have a universal student information system, the combined pass rates on the CAHSEE will serve as a proxy for the graduation rate until the information system is fully implemented.

Participation rates

NCLB requires that 95 percent of students take the assessments used to determine AYP. This participation rate applies to all schools and all subgroups across each content area. Currently, under the Public Schools Accountability Act, California has set a 95 percent participation rate for awards eligibility for elementary and middle schools and a 90 percent rate for high schools. The participation rate for high schools will be increased from 90 percent to 95 percent.

Minimum subgroup size

Currently, state law defines a numerically significant subgroup as one that was comprised of 100 students or 30 students who represented at least 15 percent of the

student population. This definition will be revised to 100 students or 50 students who represent at least 15 percent of the students to be tested.

District accountability

Under NCLB, LEAs also are subject to AYP determination. The district report will employ the same measures as the school report—the percentage of students in the district at- or above-proficient in English-language arts and mathematics; a district API will also be calculated. This report would include the same calculations for all numerically significant subgroups.

Definition of proficient

The current proficient level on the California Standards Tests will serve as the proficient level for NCLB. Cut points will be established for the CAHSEE to generate a proportion of students at- or above-proficient roughly equivalent to the proportion who are at-proficient at the same grade in the content areas of English-language arts and math. This definition would **not** impact the CAHSEE passing score.

Upcoming Accountability Activities

Accountability Workbook

On January 31, 2003 CDE will submit an accountability workbook to the USDE that explains how the state intends to comply with NCLB's accountability provisions. A USDE peer review team will evaluate the workbook to determine California's progress in implementing NCLB's accountability elements, particularly whether the SBE policies comply with federal AYP regulations. This evaluation will include a site visit. Following this visit, the state will be expected to make any requested adjustments in its definition of AYP prior to the submission of the final state Title I plan on May 1, 2003.

Base 2002 API Report

CDE is continuing with its legal responsibility to generate the 2002 Base API Report in mid-February. The report will include statewide API ranks, similar schools ranks, and API growth targets for 2003. The Base 2002 API will include 2002 results from the Stanford 9 norm-referenced test, the California Standards Tests in English-language arts and mathematics, the California High School Exit Exam (for high schools only), and the California Standards Test in history/social science (for high schools only).

2002 Baseline AYP Report

In May 2003 schools and LEAs will receive an AYP report detailing their 2002 baseline data, including the percentage of students at- or above-proficient by school and by numerically significant subgroup. The report will include the 2003 target that all LEAs, schools, and numerically significant subgroups will be expected to meet in order to make AYP. It also will include information on reporting 2003 AYP results. The SBE has chosen to integrate AYP requirements into the established California

accountability system. It also has elected not to downgrade the meaning of “proficient,” emphasizing a commitment to the belief that all students can achieve at high levels. These steps guarantee continuity in the event that the federal requirements are revised in the coming years.

The AYP targets are extraordinarily ambitious. No school in California currently has 100 percent of its students at or above the proficient level of performance. NCLB does not use the phrase “failing schools.” Instead the emphasis is on getting better results for all students, and CDE shares this goal.

For more information about how the AYP requirements fit into California’s current accountability system, contact Robert Bernstein at (916) 319-0629.

FROM THE PROGRAMS

Title I, Part A, Public School Choice and Supplemental Educational Services

Guidance

The USDE has issued Title I Final Regulations and Draft Non-Regulatory Guidance on Public School Choice and Supplemental Educational Services. Some key changes to school choice and supplemental services are summarized below. The full text of each of these documents can be viewed at the USDE Web site: <http://www.ed.gov/index.jsp>.

School Choice

The choice to attend another public school is available to all students enrolled in schools that are in the first year of program improvement status (PI) and for the subsequent years that the school remains identified for improvement. The final Title I regulations and school choice guidelines contain several new clarifications on school choice. **Most importantly, it is clear that lack of capacity is not an acceptable reason to deny students the option to transfer to another school that is not a Program Improvement school within a district.** The district must create additional capacity or provide choices of other schools. Some of the other clarifications include the following:

- If a student exercises the option to transfer, the district must allow the student to remain in that school until the student has completed the highest grade level at the school.
- The district is obligated to pay for the transportation costs only during the time the school of origin is identified for school improvement, corrective action, or restructuring
- If funding limits the provision of choice-related transportation, the district must still offer transfer options to a parent who chooses to cover the transportation costs.

- In providing students the option to transfer to another public school, the LEA must give priority to the lowest-achieving students from low-income families.
- In limited situations in which the option to transfer is not possible, the district may offer supplemental educational services.
- Districts must offer students with disabilities the opportunity to be educated in non-PI schools; however, these students do not have to be offered their choice of the same schools as those offered to non-disabled students.
- If a district has a general policy that requires all students who transfer under any other choice option within the district to not play sports for a specified period of time after the transfer, the district may apply that policy to students who transfer under NCLB. If the district does not have such a policy, it may not require students who transfer under NCLB to not play sports for any length of time. Policies promulgated by a state-level athletic association should be applied in the same way.

For more information on public school choice, contact Maria Reyes at (916) 319-0383 or mreyes@cde.ca.gov.

Supplemental Educational Services

The final Title I regulations make clear that districts must ensure that *all* eligible students, including those with disabilities and those who are limited-English-proficient, receive appropriate supplemental educational services. Districts with Program Improvement schools in year two and above under NCLB are required to offer supplemental services to low-income students from a State Board of Education-approved list of providers. Supplemental educational services are defined as tutoring or other supplemental academic enrichment activities that are provided beyond the school day. The services are to be high quality, research-based, and designed to improve the academic achievement of participating students. Students who are eligible to receive supplemental services are from low-income families, attend Title I schools, are in the second year of PI, and are the lowest achieving.

At least annually, an LEA must provide notice to the parents of each eligible student regarding the availability of supplemental educational services. Specific information about services should be provided directly to the parents of eligible students so that there is sufficient time to allow them to select providers.

NCLB requires that CDE develop, implement, and publicly report on standards and techniques for monitoring service quality and effectiveness of supplemental service providers. CDE has chosen an electronic survey as the method for collecting annual information on the implementation and effectiveness of supplemental service providers. The survey is in draft form and is being reviewed.

For more information on supplemental educational services, please contact Jerry Cummings at (916) 319-0381 or jcumming@cde.ca.gov.

Expenditure of Funds for Public School Choice and Supplemental Educational Services

A district is not required to reserve a portion of its Title I allocation to pay for choice-related transportation and supplemental services. However, a district must spend an amount equal to 20 percent of its Title I, Part A allocation to pay for those services unless a lesser amount is needed to meet the demand. The district may use other allowable federal, state, local, or private resources to pay for transportation costs and supplemental services. If the demand for supplemental services exceeds an amount equal to 5 percent of the total district allocation, the district must not spend less than 5 percent on those services. (For example, if a district's Title I, Part A allocation is \$100,000, it would be required to spend no less than \$5,000 for transportation costs and supplemental services.)

Title I, Part A, Paraprofessional Requirements

The CDE continues to receive many phone calls and e-mails regarding the NCLB requirements for paraprofessionals, with most of the questions focusing on assessment. With the recent release of the "Title I Paraprofessionals Draft Non-Regulatory Guidance" from the USDE, most of those questions have been resolved. In a few cases, the Guidance has generated even more questions.

The staff of the CDE are in the process of analyzing the Guidance document in relation to Senate Bill 1405 (O'Connell), particularly in regard to local assessment. Further information will be forthcoming in a future issue of this newsletter. Also check the USDE Guidance at <http://www.ed.gov/offices/OESE/SASA/paraguidance.pdf>.

Title I, Part C, Migrant Education

NCLB revised the requirements and methods for the electronic transfer of migrant student records. State educational agencies (SEAs) and local educational agencies (LEAs) must develop effective methods for the electronic interstate and intrastate transfer of migrant student records. The migrant record systems must be linked electronically to exchange health and education information regarding all migratory students.

The student record linkage must occur in a cost-effective manner, based on systems either used by states prior to or developed after the NCLB Act. It is widely believed that educators could better serve migratory children if basic information on past schooling were more readily available. Most states currently have electronic data bases that include migrant student records. The identified users are school registrars and guidance counselors for enrollment, placement, and academic counseling purposes. However, these data are not shared or linked on a national, state, and local basis, nor do they contain all of the basic information that schools need to make the most informed decisions about the education of migratory children. Migrant students cannot be penalized in any manner by state or local reforms that result from migratory children's repeated moves or other problems related to mobility. The new NCLB provision attempts to address possible differential standards, assessment dates,

retention, curriculum, and graduation requirements that may be applied to migrant students because of mobility. Obviously, penalizing students would violate their equal access to a fair and appropriate education.

SEAs must ensure the linkage of migrant student record systems to exchange electronically, among the states, health and educational information regarding all migratory students. A LEA receiving migrant funds must make student records available to another SEA or LEA that requests the records at no cost to the requesting agency, if the request is made to meet the needs of a migratory child. The SEA must ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and states' academic content and student academic achievement standards.

For more information, visit the Migrant Education/International Office Web site at [<http://www.cde.ca.gov/iasa/migrant.html>.](http://www.cde.ca.gov/iasa/migrant.html)

On the Right Track Symposium

The School Reform Assistance Office and WestEd will hold a symposium, "On the Right Track," on April 8 and 9. The event at the Los Angeles Airport Hilton will feature schools from Cohort 1 of the Comprehensive School Reform Demonstration (CSRD) and Immediate Intervention/Underperforming Schools programs (II/USP) that have made substantial achievement gains over the past two years.

These successful Cohort 1 schools will describe their experiences to Cohort 3 schools, which are entering school reform programs (CSRD, II/USP, High Priority) for the first time. For additional information, contact the School Reform Assistance Office at (916) 319-0839.

Title II, Part A, Improving Teacher Quality

The USDE has issued a Non-Regulatory Draft Guidance for Title II, Part A, "Improving Teacher Quality State Grants." The new Title II programs focus on preparing, training, and recruiting high-quality teachers and principals. States must develop plans with annual measurable objectives to ensure that all teachers in core academic subjects are highly qualified by the end of the 2005-2006 school year. The Guidance, in a question/answer format, assists state and local program administrators as they implement the *Improving Teacher Quality State Grants* program. It will be updated as necessary.

Under the Title II, Part A program, funds are made available to SEAs, LEAs, and state agencies for higher education (SAHEs) to support and help shape activities that improve teacher quality and increase the number of highly qualified teachers and principals. The program focuses on using research-based practices to prepare, train, and recruit high-quality teachers. The new program also gives states and districts flexibility to select the strategies that best meet their needs to improve teaching and raise student achievement in the academic subjects.

The Guidance clarifies the scope of activities that can be provided with Title II, Part A funds and describes the components of effective teacher professional development programs. It also answers a number of questions dealing with the issue of “highly qualified teachers” and private school participation, among other topics. A series of appendices offer definitions (including a lengthy description of “professional development”), other references, and an article about “Scientifically Based Research on Teacher Quality.”

The 130-page Guidance is available on the USDE Web site at <http://www.ed.gov/offices/OESE/asst.html#policy>.

Title IV, Part A, Safe and Drug-Free Schools

On January 2, 2003, the “Safe and Drug-Free School and Communities Act, State Grants, Guidance for State and Local Implementation of Programs” was issued. The following summarizes the essential elements from the guidance as it impacts California’s effort to implement NCLB. The guidance is available at <http://www.ed.gov/offices/OSDFS/news.html>.

Uniform Management and Information Reporting System (UMIRS)

The UMIRS requirements are new. The state is required to collect school information regarding truancy rates, suspensions, and expulsions. The state also must collect district information on program and service implementation as well as prevalence rates for drug and violence-related risk behaviors. California has worked with the federal Office of Safe and Drug-Free Schools (OSDFS) to develop a UMIRS that complies with NCLB requirements and OSDFS expectations. The guidance does the following:

- Indicates that the USDE will ask states to provide information collected through UMIRS along with the NCLB performance reports due December 1, 2003. The statute does not prescribe a deadline for UMIRS implementation.
- Defines incidence and prevalence in the same way as rates. Rates are determined by using a numerator defined as the number of cases (such as expulsion, truancy, or risk behavior) and a denominator defined as the total population at risk.
- Provides that UMIRS data may be collected through a survey sample of students. California will require all SDFSC participating LEAs to participate in the California Healthy Kids Survey.
- Reminds states that they must implement a statewide policy requiring that students attending a persistently dangerous school or victims of violent crime be allowed to attend a safe public school. To receive funds, the state must certify to the USDE that California is in compliance with these requirements.

Principles of Effectiveness

The SDFSC codifies the “Principles of Effectiveness.” These principles provide a framework for implementing and evaluating high-quality programs based on scientific research. The guidance states the following:

- All entities receiving SDFSC funds must comply with the principles.
- The state may approve waivers from the requirement to adopt scientifically based programs if the LEA demonstrates that its local program is innovative and has a substantial likelihood of success.
- The NCLB statute defines scientifically based research as research that employs empirical methods and rigorous data analyses, using experimental designs. The research comes from studies with sufficient detail, published in peer-reviewed journals subject to scientific review.
- LEAs cannot spend money on programs from the list of “authorized activities” unless they meet the principles of effectiveness.
- Performance measures must include goals that relate to reduced violence or drug use.
- Decisions regarding the termination of local programs are made at the state level based on evaluation results.